

Attachment 1C

Conditions of Approval

**GPA NO. 11-07, ZC NO. 11-08, TPM
NO. 11-92 AND PPD NO. 11-09**

September 7, 2011

CONDITIONS OF APPROVAL

(GPA NO. 11-07, ZC NO. 11-08, TPM NO. 11-92 AND PPD NO. 11-09)

COMMUNITY DEVELOPMENT DEPARTMENT

General

1. Within one year of this approval, the Precise Plan of Design shall be exercised by substantial construction or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the permit/approval shall become null and void.

PROJECT:

EXPIRATION DATE:

GPA NO. 11-07, ZC NO. 11-08, TPM NO. 11-92 AND PPD NO. 11-09 **August 3, 2012**

2. The review authority may, upon application being filed 30 days prior to the expiration date and for good cause, grant a one-time extension not to exceed 12 months. The review authority shall ensure that the project complies with all current Development Code provisions.
3. In the event that this approval is legally challenged, the City will promptly notify the applicant of any claim or action and will cooperate fully in the defense of the matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City, Redevelopment Agency (RDA), their affiliates officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City and RDA of any costs and attorneys fees, which the City or RDA may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition.
4. Construction shall be in substantial conformance with the plan(s) approved by the Planning Commission. Minor modification to the plan(s) shall be subject to approval by the Director through a minor administrative variation process. Any modification that exceeds 10% of the following allowable measurable design/site considerations shall require the refilling of the original application and a subsequent hearing by the appropriate hearing review authority if applicable:
 - a. On-site circulation and parking, loading and landscaping;
 - b. Placement and/or height of walls, fences and structures;
 - c. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and,
 - d. A reduction in density or intensity of a development project.

5. No vacant, relocated, altered, repaired or hereafter erected structure shall be occupied or no change of use of land or structure(s) shall be inaugurated, or no new business commenced as authorized by this permit until a Certificate of Occupancy has been issued by the Building Division. A Temporary Certificate of Occupancy may be issued by the Building Division subject to the conditions imposed on the use, provided that a deposit is filed with the Community Development Department prior to the issuance of the Certificate, if necessary. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions and performance standards imposed on the intended use by this permit.
6. This permit or approval is subject to all the applicable provisions of the Loma Linda Municipal Code, Title 17 in effect at the time of approval, and includes development standards and requirements relating to: dust and dirt control during construction and grading activities; emission control of fumes, vapors, gases and other forms of air pollution; glare control; exterior lighting design and control; noise control; odor control; screening; signs, off-street parking and off-street loading; and, vibration control. Screening and sign regulations compliance are important considerations to the developer because they will delay the issuance of a Certificate of Occupancy until compliance is met. Any exterior structural equipment, or utility transformers, boxes, ducts or meter cabinets shall be architecturally screened by wall or structural element, blending with the building design and include landscaping when on the ground.
7. All construction shall meet the requirements of the latest adopted California Building Code (CBC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of any Building Permit(s).
8. Signs are not approved as a part of this permit. Prior to establishing any new signs, the applicant shall submit an application, and receive approval, for a sign permit from the Planning Division (pursuant to LLMC, Chapter 17.18) and building permit for construction of the signs from the Building Division, as applicable.
9. Mitigation Measure. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a photometric plan and final lighting plan to the City showing the exact locations of light poles and the proposed orientation and shielding of the fixtures to prevent light and/or glare to existing residences to the east and north.
10. The developer shall require that all construction equipment activities be restricted to occur only between the hours of 7:00 a.m. to 6:00 p.m. weekdays and Sundays. Construction activities shall not occur on Saturdays or Holidays.
11. The developer shall locate construction staging areas as far from existing noise-sensitive land uses as feasible.
12. Mitigation Measure. The construction schedule shall include a three-week (at a minimum) coating schedule.

13. Mitigation Measure. The applicant shall implement SCAQMD Rule 403 and standard construction practices during all operations capable of generating fugitive dust, which will include but not be limited to the use of best available control measures and reasonably available control measures such as:
 - The project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - (a) The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - (b) The project proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
 - (c) The project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.
14. Mitigation Measure. The operator shall comply with all existing and future CARB and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.
15. Mitigation Measure. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
16. Mitigation Measure. The project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.
17. Mitigation Measure. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
18. Mitigation Measure. All Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of any Building and/or Construction Permits.
19. Prior to issuance of any Building and/or Construction Permits, the applicant shall submit to the Community Development Department proof of payment or waiver from

both the City of San Bernardino for sewer capacity fees and Redlands Unified School District for school impact fees.

20. The applicant to pay all required development impact fees to cover 100 percent of the pro rata share of the estimated cost of public infrastructure, facilities, and services.
21. The developer shall provide infrastructure for the Loma Linda Connected Community Program, which includes providing a technologically enabled development that includes coaxial, cable and fiber optic lines to all outlets in each unit of the development. Plans for the location of the infrastructure shall be provided with the precise plan of design, which includes providing a technologically enabled development that includes coaxial, cable, and fiber optic lines to all outlets in each unit of the development. Plans for the location of the infrastructure shall be provided with the precise grading plans and reviewed and approved by the City of Loma Linda prior to issuing grading permits.
22. The project shall comply with the City Art in Public Places Ordinance (LLMC Chapter 17.26), which establishes grounds for compliance for new enterprises to facilitate public art. The establishment of artistic assets will be financed and/or constructed by the development community as part of the development requirements.
23. Mitigation Measure. Should paleontological resources be uncovered during grading, a qualified vertebrate paleontologist shall be contracted to perform a field survey to determine and record any nonrenewable, paleontological resources found on site. The professional will be able to find, determine the significance, and make recommendations for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.
24. Mitigation Measure If human remains of any kind are found during excavation and construction activities, all activities must cease immediately and the San Bernardino County Coroner and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission. The Native American Heritage Commission will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. If a most likely descendant cannot be identified, or the most likely descendant fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to them, the contractor shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
25. Mitigation Measure. A qualified archaeological monitor will be retained during grading of the site if remains of prehistoric, historic, or paleontological origin are unearthed. They shall be handled in accordance with current standards and

guidelines to ensure adequate identification, recordation, and/or recovery of potentially significant human remains.

26. Mitigation Measure. At a minimum of 30 days prior to any grading, the City shall notify the tribal councils of the San Manuel and Morongo Bands of Mission Indians of proposed grading activities, and arrange for Native American participation if requested by the tribal councils.
27. The project shall comply with all non-exempt provisions of Measure V and shall pay the full amount or any recalculated development impact fees, including traffic impact fees, prior to occupancy.

Landscaping

28. The applicant shall submit three sets of the final landscape plan prepared by a state licensed Landscape Architect, subject to approval by the Community Development Department, and by the Public Works Department for landscaping in the public right-of-way. Landscape plans for the Landscape Maintenance District shall be on separate plans.
29. Final landscape and irrigation plans shall be in substantial conformance with the approved conceptual landscape plan and these conditions of approval. Any and all fencing shall be illustrated on the final landscape plan.
30. Landscape plans shall depict the utility laterals, concrete improvements, and tree locations. Any modifications to the landscape plans shall be reviewed and approved by the Public Works and Community Development Departments prior to issuance of permits.
31. The applicant, property owner, and/or business operator shall maintain the property and landscaping in a clean and orderly manner and all dead and dying plants shall be replaced with similar or equivalent type and size of vegetation.
32. Mitigation Measure. Should the relocation or removal of any tree be required, the applicant shall submit an Arborist Report prior to site disturbance. Any removal or replacement of trees shall be in accordance with the City's Tree Preservation Ordinance.

FIRE DEPARTMENT

33. All construction shall meet the requirements of the editions of the 2010 California Building Code (CBC) and the 2010 California Fire Code (CFC)/International Fire Code (IFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of building permit.

34. Pursuant to CFC Section 903, as amended in Loma Linda Municipal Code (LLMC) Sections 15.28.230-450, the building shall be equipped with automatic fire sprinkler system(s). Pursuant to CFC Section 901.2, plans and specifications for the fire sprinkler system(s) shall be submitted to Fire Prevention for review and approval prior to installation. Fire flow test data for fire sprinkler calculations must be current within the last 6 months. Request flow test data from Loma Linda Fire Prevention at (909) 799-2859.
35. Fire Department Impact Fees shall be assessed according to the rate legally in effect at the time of building permit issuance. Pursuant to LLMC Chapter 3.28, plan check and inspection fees shall be collected at the rates established by the City manager's Executive Order.
36. The applicant shall meet the Fire Departments requirements regarding emergency access to the site. The site circulation shall meet the performance requirements of all emergency vehicles.
37. The developer shall submit a Utility Improvement Plan showing the location of fire hydrants for review and approval by the Fire Department.

PUBLIC WORKS DEPARTMENT

38. The developer shall submit an engineered grading plan for proposed project.
39. All utilities shall be underground. The City of Loma Linda shall be the sewer purveyor.
40. The applicant shall comply with all of the Public Works Department requirements for recycling prior to issuance of a Certificate of Occupancy.
41. All public improvement plans shall be submitted to the Public Works Department for review and approval.
42. Any damage to existing improvements as a result of this project shall be repaired by the applicant to the satisfaction of the City Engineer.
43. An approved parcel map is required for the consolidation of the associated parcels. This process shall be completed prior to the issuance of the construction/building permit.
44. Prior to issuance of grading permits, the applicant shall submit to the City Engineer a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) shall be

submitted to the City Engineer for coverage under the NPDES General Construction Permit.

45. Mitigation Measure. The project proponent shall comply with City adopted policies regarding the reduction of construction and demolition (C&D) materials.
46. Mitigation Measure. The project proponent shall design an on-site retention/detention basin to accommodate on-site storm water. The retention/detention basin may be temporary so that at the time the City's storm water system is extended the basin can be removed.

Applicant signature

Date

Owner signature

End of Conditions